THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 5th day of January, 2007

W.P.No.23265 of 2006

Between:-

R. Sarangapani & others … Petitioners

and

The Principal Secretary to the Government, Department of Agriculture (Cooperation & Marketing), Government of Andhra Pradesh, Secretariat, Hyderabad and others … Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring G.O.Ms.No.288, Agriculture and Cooperation (Mktg.1-2) Department, dated 19-7-2006 issued by the 1st respondent as arbitrary and illegal, as the 4th respondent is not qualified for being appointed as Chairman for the Office of Jammikunta Agriculture Market Committee, Karimnagar District and the same is contrary to the provisions of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act,1966 (for short 'the Act').

It appears that challenging the appointment of the 4th respondent, the petitioners earlier filed a Writ Petition in W.P.No.16221 of 2005 and the same was disposed of on 15-9-2005 directing the Government to take a decision on a representation being filed by the petitioners herein. The grievance of the petitioners is that though they made a representation, the same was not disposed of by the Government.

Now a counter affidavit is filed on behalf of the respondents stating that in pursuance of the Orders passed in Writ Petition No.16221 of 2005, an Enquiry Officer i.e., Joint Collector, Karimnagar was appointed and he submitted a detailed report to the Government. The Government, after considering all the issues and also taking into consideration the Orders passed by this Court, came to the conclusion that the 4th respondent was appointed from the category of growers as he got agricultural lands to an extent of Ac.1.04 gts and Ac.1.20 gts

vide PPB No.287256, dated 4-12-2005 of Malial village and 2 buffaloes and 20 sheeps. Further, as per the report of the Joint Collector, Karimnagar, dated 2-5-2006, it was also admitted that the 4th respondent has got Ac.1.04 gts of agricultural land in Malial village. Taking into consideration the agricultural lands and livestock, the 4th respondent was appointed as Chairman of the Market Committee and the same is in consonance with the provisions of the Act. It was also asserted that the Government has already passed Orders by complying with the directions of this Court in Writ Petition No.16221 of 2005.

Petitioner filed a reply and the learned counsel for the petitioner asserted that as on the date of filing of the Writ Petition, no orders were passed. The order purported to have been passed by the 1st respondent, which is placed before this Court by the learned Government Pleader, is dated 2-1-2007.

May be, the Order was signed on 2-1-2007, but the facts recorded in the counter at paragraph-6, as noticed above, and the reasons furnished in the Order dated 2-1-2007 are one and the same. In view of the Orders passed by the 1st respondent on 2-1-2007, I am of the opinion that the cause in the Writ Petition has become infructuous. The Writ Petition is liable to be dismissed as such.

Accordingly, the Writ Petition is dismissed as having become infructuous. However, it is always open for the petitioner to challenge the Memo No.14342/Mktg.1-2/2005-11, dated 2-1-2007 of the 1st respondent-Principal Secretary to Government, Agriculture and Cooperation (Mktg.1) Department, Hyderabad and work out his remedies as available under law. No order as to costs.

05-1-2007

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